



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ZHAOHUI PENG, ET AL.

Serial No.: 10/556,640

Filing Date: March 10, 2003

PCT No: PCT/CN04/00458

I.A. Filing Date: March 9, 2004

For: RECOMBINANT GENE MEDICINE OF ADENOVIRUS VECTOR AND GENE p53 FOR TREATING PROLIFERATIVE DISEASES

Attorney Docket No.: U 016018-5

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE OF AUGUST 20, 2007

1) As stated in the Communication filed on November 21, 2006 (copy attached):

In this amendment, Claims 1-9 were added to replace Claims 1-7 of the International Application PCT/CN2004/000458 as filed.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date: February 20, 2008

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office to **(571)-273-8300**

Signature

Janet I. Cord

type or print name of person certifying)

The text from the captions of originally filed figures is included in the description of the figures beginning on page 6, line 41 to page 8, line 8 of the specification.

A duplicate copy of Fig. 1 to 10 is attached.

2) An English translation of claims 1-7 as originally filed with the PCT application CN 2004/00458 is attached.


3) As discussed above, during the international phase, the claims were amended under Article 34 and an English translation of the Article 34 amendment that includes claims 1-9 was filed with the USPTO on November 21, 2006.

4) The Chinese text from original drawings 4-10 was incorporated into the specification included in the Article 34 amendment. This is found on pages 7-8 of the Amendment filed on November 21, 2006.

5) Attached is a copy of the International Preliminary Report on Patentability (IPRP) which shows the Amendment Under Article 34 received on 19 November 2004 was entered and the IPRP was based on pages 1-12 of the description, claims 1-9 and pages 1-11 of the drawings received on 19 November 2004.

If any issues remain, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and a small flourish.

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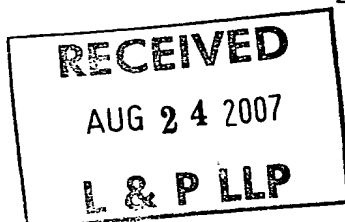


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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/556,640	Zhaohui Peng	U 016018-5

140
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INTERNATIONAL APPLICATION NO.	
PCT/CN04/00458	
I.A. FILING DATE	PRIORITY DATE
05/09/2004	05/10/2003

CONFIRMATION NO. 4272
371 FORMALITIES LETTER

OC900000025458632

Date Mailed: 08/20/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 11/10/2005
- English Translation of the IA filed on 11/21/2006
- Copy of the International Search Report filed on 11/10/2005
- Copy of IPE Report filed on 11/10/2005
- Copy of Annexes to the IPER filed on 11/10/2005
- Preliminary Amendments filed on 11/21/2006
- Information Disclosure Statements filed on 11/21/2006
- Biochemical Sequence Diskette filed on 11/21/2006
- Oath or Declaration filed on 11/21/2006
- Biochemical Sequence Listing filed on 11/10/2005
- Small Entity Statement filed on 02/27/2006
- Request for Immediate Examination filed on 11/10/2005
- U.S. Basic National Fees filed on 11/10/2005
- Priority Documents filed on 11/10/2005

Applicant's response filed 11/21/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/21/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The number of claims in the International Application and the number of claims in the translation are not the same.
 - Drawings 4-11 have foreign text which has not been translated.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Annexes have not been entered because the IPER annexes have not been translated.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,640	PCT/CN04/00458	U 016018-5